

# **Idaho Heating, Ventilation and Air Conditioning Board Meeting**

Thursday – June 19, 2003  
Division of Building Safety – Meridian, Idaho

**CALL TO ORDER** Chairman Minegar called the meeting to order at 9:05 am on Thursday, June 19, 2003 at the Division of Building Safety, Meridian, Idaho.

**PRESENT** Board members present included Pat Minegar, Russ Firkins, Jim Bledsoe, Steve Brown, Steve Keys, and Mike Wisdom. Present from the Division of Building Safety were Dave Munroe, Administrator; Marsi Woody, Financial Officer; Shauna Wallace, Administrative Assistant and recording secretary; Ted Hogander, Plumbing Bureau; and Jack Rayne, Building Bureau; and Gary Malmen, Electrical Bureau. Also present were Maria Barratt, Division of Financial Management; and Bob Corbell, IEC Association; Brent Moore, Sheet metal Workers #60; Jim Joy, HPBA Representative; Bruce Fitting, Fitting Mechanical, Inc.; and Bob Shafer, Shafer Heating.

**BOARD MEMBER BUSINESS** Chairman Minegar asked everyone in the room to introduce themselves.

**MINUTES OF 6/5/03** The minutes of the June 5, 2003 meeting were distributed to the Board for review.

**REVIEW OF CHAPTER 50, TITLE 54, IDAHO CODE** Chairman Minegar suggested the Board review Idaho Code by section and address each as the Board progresses through the Chapter.

Beginning with Section 54-5001 Russ Firkins felt that Section of the Code gives the Board authority to adopt a code, but the Board is waiting for an Attorney General's opinion.

Section 54-5002, as summarized by Mike Wisdom, gives the homeowner the authority to do their work with no license. Mr. Firkins asked Dave Munroe to clarify whether or not the homeowner would have to have the work permitted and subsequently inspected. Mr. Munroe confirmed that to be the case.

Section 54-5003, per Mr. Firkins, states there are no specialties for journeymen at this time, but there are specialty contractors. Bob Corbell informed the Board that specialty journeymen categories were purposefully left out of the Code, as they weren't sure how many there were. Mr. Corbell also pointed out that the plumbing and electrical bureaus have their specialty journeymen categories spelled out in their administrative rules. Steve Keys stated that there needs to be mention of the specialty journeymen and apprentice categories in Code to give the Board authority to write rules. Per Mr. Keys this is something the Board needs to address with legislation. Mr. Firkins wanted to get an opinion from the attorney general on that issue.

Chairman Minegar pointed out that boiler installers (steam) would have to get an HVAC license. Bruce Moore asked the Board who would inspect boilers. Mr. Firkins answered if the local jurisdiction has inspectors it's handled by mechanical inspectors. Steve Brown agreed that a specialty license would be needed for hearth installations.

Mr. Firkins asked Mr. Munroe if the Division of Building Safety could provide to the Board a list of cities and counties currently inspecting HVAC. Mr. Munroe informed the Board that the compilation of a report was in progress. Jack Rayne pointed out to the Board that the survey will only reflect those currently conducting inspections and that non-respondents to the survey will be contacted.

Mr. Bledsoe interpreted Section 54-5004 reminding meeting attendees that there will be a specialty contractor position open on the Board in two years.

Mr. Munroe took a moment to remind the Board and the meeting attendees that the Board meetings are open to the public and that anyone is welcome to attend.

Mr. Wisdom began the review of Section 54-5005 with a question regarding the “supervision of the design,” aspect of the Board’s duties. Mr. Firkins thought the word design was added to give the Board authority to choose code. Mr. Wisdom informed the Board that engineers are bound by the Board of Engineers and Land Surveyors to design by code. Mr. Munroe told the Board that the wording appeared to have to do with plan reviews. Steve Keys did some research regarding the Section wording and didn’t see any conflict.

Section 54-5006 describes the powers and duties of the administrator of the Division of Building Safety. Chairman Minegar reminded the Board that Kay Manweiler would address civil penalties and the duties of the administrator in that regard at a later date. Mr. Firkins told the Board that the plumbing bureau is currently working on civil penalties and that if the HVAC program had civil penalties the administrator would have the ability to deal with issues in a timely fashion. Mr. Munroe agreed and told the Board that the civil penalty process in the electrical bureau works well. Mr. Corbell offers assistance by having a bill sponsored by his association that would enact civil penalties. Mr. Munroe told the Board he thought they should present the proposed legislation through the Division of Building Safety because they’re a new Board. Mr. Firkins agreed that might assist the process. Mr. Munroe told the Board he would ask Ms. Manweiler to pattern the civil penalty language after that of the electrical bureau.

Chairman Minegar ordered a fifteen-minute break.

Section 54-5007 –Mr. Wisdom told the Board he thought the requirements for certificate of competency should be in line with other bureaus’. Mr. Brown expressed concern stating a \$2000 bond wouldn’t even cover the cost of an installation if the need arose. Ted Hogander told the Board the plumbing bureau is considering removing the bond requirement as it doesn’t accomplish much; has little value to the bureau; and in 25 years only one bond has been attached (Mr. Hogander referenced a prior conversation with Ms. Manweiler in which she suggested proof of liability insurance). Mr. Keys told the Board the bond isn’t worth the paper it’s printed on and the electrical bureau doesn’t even use them. Mr. Munroe informed the Board that the Public Works Contractors License Board used to require proof of liability insurance, but that they discontinued the practice as they didn’t have the authority to require it and the only bonds that work are those through the Division of Public Works. Mr. Munroe agreed with Chairman Minegar that this was an issue to be tabled for later discussion.

Chairman Minegar asked the Board about their interpretation of the last line of Section 54-5008; most specifically the word “transferable.” Mr. Firkins explained the certificate of competency stays with the individual, not the business. Chairman Minegar posed the question of what would happen if the owner died and the spouse received the business, but didn’t have his or her own certificate of competency. Mr. Firkins said they would need to hire a contractor. Mr. Firkins gave the example of a man being a licensed driver and while his spouse is not a licensed driver she can still own a car.

Section 54-5009 – Mr. Firkins reminded the Board the subject of journeymen to apprentice ratio was something they had discussed but decided to table for future reference. Mr. Keys wanted to discuss clarification of Section 54-5009(4) regarding low voltage work. Mr. Bledsoe suggested the Board wait to discuss that until Mr. Corbell could return to the meeting.

Section 54-5010 – Mr. Firkins reminded the Board that they had agreed to defer rule writing on continuing education to a later date. Jim Joy wanted to know if it was the Board’s intent to education and test. Chairman Minegar said they would be looking at that in the future.

Section 54-5011 – This Section states when a certificate of competency will be issued to an applicant and what information it will contain.

Section 54-5012 – Mr. Firkins stated the need to clarify that specialty contractors would pay the same fees as contractors.

Section 54-5013 – Mr. Firkins repeated that Ms. Manweiler would be working on how to stagger renewals.

Section 54-5014 – This Section states that all holders of certificates of competency will display, or have available on the job, their sign or card.

Section 54-5015 – Mr. Firkins said this Section also provides incentive to get licensed early to avoid having to purchase a local license and then a state license. Bob Shafer stated that cities and counties know they will no longer be licensing.

Section 54-5016 – Mr. Wisdom was concerned about how a permit would be acquired for work needed on the weekend (without prior knowledge). Mr. Bledsoe explained that a permit was not required for repairs, but that if an install were required over the weekend it would be necessary to get a permit on the very next business day. Mr. Firkins wanted to confirm that the state would inspect all state owned buildings.

Sections 54-5017 through 5020 are self explanatory.

Section 54-5021 addresses the appointment and qualifications of inspectors. The Board will have to write a rule outlining qualifications.

Chairman Minegar asks Mr. Corbell to address Section 54-5009(4) regarding low voltage. Mr. Corbell stated that the wording was added by request but left vague to allow the Board to interpret through rule. He also told the Board that Workforce Training would be getting a proposal to the Board regarding a four-year program.

Section 54-5022 regarding penalties. Mr. Firkins wanted to see a separate section addressing revocation of license. Mr. Brown suggested this Section’s rules be patterned after the electrical bureau’s. Mr. Corbell told the Board the biggest problem with civil penalties is that local prosecuting attorneys won’t enforce them.

Section 54-5023 – Mr. Munroe stated that this Section regarding representation of the state or the administrator shall be the right and duty of the attorney general or prosecuting attorneys of the various counties.

Section 54-5024 – Creates the Board fund.

#### START DATE FOR INSPECTIONS

Chairman Minegar quoted the July 1, 2004 date from the Code. Mr. Corbell pointed out something will have to be worked out with the Division of Building Safety, as they can't even issue a permit until July 1, 2004. Mr. Firkins stated that if he were to buy a permit he's owed an inspection. Chairman Minegar posed the question of a job started prior to July 1, 2003 and whether or not it would require a permit after that date if it were not complete. Mr. Firkins said that would be a grand fathering situation. Mr. Rayne pointed out there are areas in the state where there have never been inspections so many jobs will be started in an effort to avoid inspections.

#### BUDGET ISSUE REPORT

Marsi Woody gave the Board a report and outlined when money is available and how it relates to start dates in Code. For FY 2004 (7/1/03-6/30/04) the budget is \$272,300 and only includes 2.5 positions. How many inspectors will be needed for FY 2005 (7/1/04-6/30/05)? If inspections are to begin July 1, 2004 then inspectors will need to be hired in May or June of 2004 so they can be trained on the computers, they have to have trucks, office equipment, etc. The Division of Building Safety's budget (for FY 2005) is due to the Division of Financial Management by September 1, 2003 so all costs need to be determined now. License fees are set in Code and may not be enough to cover HVAC – there are high start up costs.

Mr. Firkins told the Board he had looked at the numbers and felt that this is going to be very challenging. It was his thought that HVAC may need to piggyback with existing inspectors like plumbing inspectors. They're familiar with the area, the jobs. Mr. Keys pointed out to the Board that until they know who they're serving they're shooting in the breeze. Mr. Keys also informed the Board there are a lot of areas in the state where the electrical bureau loses money on every inspection. Chairman Minegar said it appeared the only way inspecting would work in the beginning would be to piggyback. Ms. Woody said that would be very difficult. Mr. Munroe recommends waiting for Mr. Rayne's survey results. Mr. Munroe sees the possibility that the Board may be a licensing Board in the beginning. Mr. Wisdom asked how an inspection can be denied if a permit is required. Mr. Munroe said the timeline would have to be changed through legislation. Mr. Hogander asked about the possibility of changing wording through legislation to something like, "permitting and inspecting will begin as it can be accomplished by the Division of Building Safety..."?

Chairman Minegar asked Ms. Woody what the situation would look like if everyone licensed January 1, 2004. Ms. Woody told the Board they could, through rule, allow – but not require – licensing prior to the July 1, 2004 deadline. Maria Barratt explained to the Board that they could bring in all the revenue they wanted, but that appropriation determines spending.

Mr. Firkins suggests to the Board they need to decide if they're going to be a licensing board or a permitting and inspecting board. He also stated that it was clear to him with the Code that the Legislature wants permitting and inspections, as well as licensing. Mr. Corbell pointed out that the original requires for funding was quite a bit more, but it was reduced. Mr. Corbell said Avista and Intermountain could give Mr. Rayne a list of where they currently inspect.

Chairman Minegar ordered a thirty-minute lunch break.

**QUALIFICATIONS  
FOR HVAC  
INSPECTOR**

Mr. Rayne will try to get a list of people currently certified by the International Conference as mechanical inspectors. Mr. Rayne suggested inspectors be hired even if they're not certified and give them six months to complete certification. In answer to Mr. Firkins' question, Mr. Hogander informed the Board that plumbing inspectors do not have to be currently certified; and Mr. Keys told the Board that electrical inspectors do have to be currently certified. Chairman Minegar wanted to know how to determine who's certified and how to verify whether or not they're journeymen if we don't test. Mr. Rayne explained that the Division of Human Resources (DHR) would require an exam prior to hiring and would work with the Division of Building Safety to set up that exam. Mr. Rayne went on to explain that if a city and county inspector have to be certified then that will be to be a state requirement. This is a test that we would have to provide to DHR in early Spring in order to be able to hire inspectors. Chairman Minegar said the bottom line is there are no guarantees and that an extensive test should be put together. Mr. Munroe asked for clarification on what will be required of an applicant in order to be hired. Chairman Minegar answered that the applicant would have to pass a test and in order to pass that test their knowledge would almost have to be that of a journeyman.

**FUTURE MEETING  
LOCATIONS**

Chairman Minegar asked the Board what their thoughts were on holding a meeting in Coeur d'Alene. Mr. Munroe explained that the trip would be rather expensive and that at this point the Board doesn't have anything to present to the people. Mr. Munroe suggested waiting until the Board has rules, hiring information, etc. to take to a meeting and disseminate.

**BOARD MEETING  
CALENDAR**

After some discussion, Chairman Minegar finalized the next Board meeting to be held Monday, July 21, 2003 from 9:00 am to 4:00 pm at the Division of Building Safety in Meridian, Idaho. Additional meetings were tentatively set for August 7, 2003; August 14, 2003; August 21, 2003.

**DISCUSSION ON  
JULY 21, 2003 MTG.  
AGENDA**

Chairman Minegar discussed items necessary for the next Board meeting's agenda. It was suggested that draft administrative rules be reviewed, as well as survey information provided by Mr. Rayne.

**NEW BUSINESS**

Chairman Minegar asked if anyone had any new business. Mr. Munroe reported he has taken many calls from out of state contractors requesting information on how to get licensed in the state of Idaho. Mr. Wisdom said out of state contractors must have done business in the state to be grand fathered in. Mr. Corbell suggested they have to have paid income tax in the state of Idaho to be grand fathered in.

**ADJOURNMENT**

The meeting was adjourned at 1:30 pm.

Respectfully submitted,

Shauna Wallace